

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2705

Introduced by Assembly Member Spitzer
(Coauthors: Assembly Members Benoit, Bermudez, Cogdill,
Daucher, DeVore, Harman, Huff, Mountjoy, Tran, Umberg,
Walters, and Wyland)
(Coauthors: Senators Ackerman and Morrow)

February 24, 2006

An act to add Section 679.08 to the Penal Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 2705, as amended, Spitzer. Victims of crime: information card. Existing law provides for the rights of victims of crime, as specified.

This bill would provide that whenever there has been a crime committed against a victim, the law enforcement officer assigned to the case may provide the victim of the crime with a "Victim's Rights Card," as specified. The bill would provide that its provisions shall be operative in a city or county only upon the adoption of a resolution by the city council or board of supervisors to that effect and that any law enforcement officer who provides a victim of crime with a "Victim's Rights Card" pursuant to these provisions shall be immune from civil or criminal liability for good faith conduct under those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 679.08 is added to the Penal Code, to read:

679.08. (a) (1) Whenever there has been a crime committed against a victim, the law enforcement officer assigned to the case may provide the victim of the crime with a “Victim’s Rights Card,” as specified in subdivision (b).

(2) This section shall be operative in a city or county only upon the adoption of a resolution by the city council or board of supervisors to that effect.

(3) *This section shall not be interpreted as replacing or prohibiting any services currently offered to victims of crime by any agency or person affected by this section.*

(b) A “Victim’s Rights Card” means a card or paper that provides a printed notice with a disclaimer, in at least 10-point type, to a victim of a crime regarding potential services that may be available under existing state law to assist the ~~victim~~, as follows: *victim. The printed notice shall include the following language or language substantially similar to the following:*

“California law provides crime victims with important rights. If you are a victim of crime, you may be entitled to the assistance of a victim advocate who can answer many of the questions you might have about the criminal justice system.”

“Victim advocates can assist you with the following:

(1) Explaining what information you are entitled to receive while criminal proceedings are pending.

(2) Assisting you in applying for restitution to compensate you for crime-related losses.

(3) Communicating with the prosecution.

(4) Assisting you in receiving victim support services.

(5) Helping you prepare a victim impact statement before an offender is sentenced.”

“To speak with a victim advocate, please call any of the following numbers:”

[Set forth the name and phone number, including area code, of all victim advocate agencies in the local jurisdiction]

“PLEASE NOTE THAT THIS INFORMATION IS PROVIDED IN AN ATTEMPT TO ASSIST THE VICTIM, BY NOTIFYING THE VICTIM ABOUT SOME, BUT NOT

1 NECESSARILY ALL, SERVICES AVAILABLE TO THE
2 VICTIM; THE PROVISION OF THIS INFORMATION IS NOT
3 INTENDED TO CONSTITUTE A GUARANTEE OF ANY
4 VICTIM'S RIGHTS OR OF A VICTIM'S ELIGIBILITY OR
5 ENTITLEMENT TO ANY SPECIFIC BENEFITS OR
6 SERVICES."

7 (c) Any law enforcement officer listed in subdivision (a) shall
8 be immune from civil or criminal liability for good faith conduct
9 under this section.

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